

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

METROPOLITAN ST. LOUIS EQUAL)	
HOUSING AND OPPORTUNITY COUNCIL,)	
)	
Plaintiff,)	
)	Case No. 4:17-cv-886-RLW
vs.)	
)	
CITY OF MAPLEWOOD, MISSOURI,)	
)	
Defendant.)	

**CITY OF MAPLEWOOD, MISSOURI’S OPPOSITION TO
REQUEST FOR ORAL ARGUMENT**

Defendant City of Maplewood, Missouri (“Maplewood”) opposes the request for oral argument submitted by Plaintiff Metropolitan St. Louis Equal Housing and Opportunity Council (“Plaintiff”).

1. The Court has now received substantial briefing from both sides and is well-acquainted with the issues. This includes both the briefing that was done before the Court issued its Judgment and Order, as well as substantial post-order briefing. The parties have had ample opportunity to argue their respective positions and there is no reason for oral argument, which will be simply cumulative to what the parties have already presented and result in the unnecessary expenditure of judicial resources and the resources of the parties.

2. Oral argument on civil motions is disfavored by local rule. “Motions in civil cases shall be submitted and determined upon the memoranda without oral argument. The Court may in its discretion order oral argument on any motion.” Rule 78 - 4.02(A). Plaintiff has presented no good reason to deviate from this well-established standard and there is more than material in the record to allow the Court to make its ruling on the motion.

3. Oral argument is disfavored as a practical matter and similar requests are

routinely denied by this Court. “The parties have provided ample briefs in support of their respective positions, and oral argument is not necessary for the Court to render a decision.” *Ste. Genevieve Media, LLC v. Pulitzer Mo. Newspapers, Inc.*, No. 1:16-cv-00087-ACL, 2016 WL 5470191 at *2 (E.D. Mo. Sept. 29, 2016) (denying request for oral argument on motion to dismiss); *Clyburn v. LGC Assoc.*, No. 4:10-cv0191-DJS, 2010 WL 2518467 at *5 (E.D. Mo. June 14, 2010) (“It is not the common practice of this Court to hear oral arguments on motions to dismiss, and the Court is not persuaded that oral argument is necessary in this case. Thus, plaintiff’s motion will be denied.”); *City-County Taxi, Inc., v. Metro Taxicab Com’n*, No. 4:12-cv-408 JAR, 2013 WL 1867576 at *1, n. 1 (E.D. Mo. May 3, 2013) (“Finding that oral argument would not assist the Court, the request will be denied.”).

4. Finally, Plaintiff’s request again mischaracterizes its motion and Maplewood’s response. Plaintiff’s original motion makes one cursory reference to Rule 59. Not until filing its Reply Memorandum did Plaintiff specifically reference Rule 59(e) and cite arguments and authorities referencing this rule. This attempted tactical shift aside, Plaintiff is incorrect in suggesting that Maplewood “for the first time” noted the “manifest errors of law [or] fact” standard in its Sur-Reply. To the contrary, and as previously stated, Maplewood in fact plainly referenced this standard in its Opposition Memorandum, a standard which Plaintiff cannot meet. Plaintiff has now had several opportunities to argue and re-argue its case, despite controlling case law holding that such re-argument is improper. There is no need, and no basis, for allowing Plaintiff yet another opportunity to re-argue the merits of its position.

There is nothing to be gained by conducting oral argument. Accordingly, the City of Maplewood, Missouri respectfully requests that this Court deny the request for oral argument and for such other and further relief as the Court deems appropriate under the circumstances.

Dated: February 15, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via the Court's electronic notification system upon all counsel of record this 15th day of February, 2018.

/s/ Michael J. Tolles _____